

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 05-45-SLR
)	
LAMAR GAINES,)	
)	
Defendant.)	

MOTION AND ORDER TO DISMISS

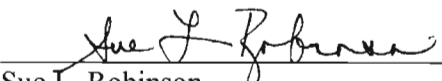
NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Ferris W. Wharton, Assistant United States Attorney for the District of Delaware, and hereby moves this Honorable Court to dismiss Count II of the Indictment pursuant to the Memorandum of Plea Agreement dated July 7, 2005.

COLM F. CONNOLLY
United States Attorney

By: /s/ Ferris W. Wharton
Ferris W. Wharton, ID #945
Assistant United States Attorney

Dated: December 14, 2005

SO ORDERED this 14th day of December, 2005.


Sue L. Robinson
United States District Judge